

### REMARKS

Reconsideration of the final rejection of the claim of the above captioned application is respectfully requested.

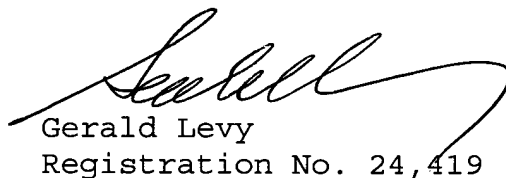
The present invention is directed at a sleeping device which improves sleep and particularly REM sleep by minimizing temperature variations of the body during sleep. To this end, the sleeping device comprises a first layer of a phase change material (PCM) and a second layer made up of down filling. The combination of the PCM and down filling layers provides for uninterrupted sleep by minimizing temperature variations while providing for sleeping comfort.

The examiner has rejected the claim as being obvious over Buckley. Buckley discloses the use of a PCM material in various products but not in a sleeping device and not in combination with a down filling layer. Indeed, the examples given in Buckley for the various PCM products are in extremely active environments with extreme temperature variations of the body, such as biathlons (Col. 10), diving (Col 14), skiing (Col. 17) etc. There is nothing in Buckley that would suggest using a PCM layer in a sleeping device much less combining such a layer with a down filling layer for an enhanced sleeping device. Indeed, the blankets having a PCM, but not a down filling, layer

suggested by Buckley are for treating hypothermia or fever patients which again are a situation with extreme temperature variations of the body. There is nothing in Buckley that would suggest the use of the PCM layer as a sleeping device and certainly nothing that suggests combining a PCM layer with a down filling layer for such a device.

The claim has been amended to emphasize the sleeping device aspect of the present invention. In view of the above, it is respectfully submitted that the application is in condition for allowance. A relatively early notification of allowance is respectfully requested.

Respectfully submitted,



Gerald Levy  
Registration No. 24,419

212-297-5800

Pitney Hardin LLP  
7 Times Square  
New York, New York 10036